

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 08 CR 521
	)	Hon. Suzanne Conlon
JAVIER CHAVEZ	)	

**GOVERNMENT’S RESPONSE TO MOTION FOR STATUS  
REGARDING REPRESENTATION**

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, Eastern Division, respectfully submits this response to defendant’s Motion for Status Regarding Representation. For the reasons set forth below, the government has no objection to Michael Monico’s appearance and the continuance of the trial date, nor do we object to Monico’s request for a modest extension of the court’s deadline for a guilty plea if Monico is permitted to file an appearance.

**BACKGROUND**

On June 30, 2008, the government filed a complaint against Javier Chavez (“Chavez”) and three other defendants. At the time the complaint was filed, Chavez was located in California. An arrest warrant was issued and defendant was taken into federal custody in the Central District of California. On July 16, 2008, an indictment against Javier Chavez was returned. As defendant was in custody in California, at the government’s request, Chavez’s arraignment was re-scheduled for August 8, 2008. On July 23, 2008, the superceding indictment against Chavez and three co-defendants was returned. Chavez was arraigned on

August 8, 2008 at which time the court set the schedule for pre-trial motions, notification of intention to plead and the trial date of October 20, 2008. On August 26, 2008, Monico filed the above referenced motion before this court. On September 4, 2008, the three co-defendants in this matter entered a plea of guilty.

### **GOVERNMENT'S POSITION**

The government has no significant interest that would be injured by the delay in the trial date proposed by Monico. Chavez, on the other hand, has strong interest in having counsel of choice, as emphasized by the Seventh Circuit in *U.S. v. Miriam Santos*, 201 F.3d 953, 958-962 (7<sup>th</sup> Cir. 2000).

### **CONCLUSION**

In light of the relative youth of this case, the 7<sup>th</sup> Circuit's position on this issue and the lack of prejudice to government or the co-defendants, the government does not object to Michael Monico's appearance and the continuance of the trial date, nor does the government object to Monico's request for a modest extension of the court's deadline for a guilty plea if Monico is permitted to file an appearance.

Respectfully submitted,

PATRICK FITZGERALD  
United States Attorney

By: /s/ Lela D. Johnson  
LELA D. JOHNSON  
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Date: September 5, 2008

**CERTIFICATE OF SERVICE**

The undersigned Assistant United States Attorney hereby certifies that the following document:

**GOVERNMENT'S RESPONSE TO MOTION FOR STATUS  
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was served on September 5, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers, and by first-class U.S. Mail to:

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